

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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PLM-11
Moshers

FILE: B-198264

DATE: May 6, 1980

MATTER OF: Major General William C. Burrows, USAF
(Retired)

- DIGEST:**
1. The question of whether and to what extent authorized weights have been exceeded in the shipment of household effects by members of the uniformed services is considered to be a matter primarily for administrative determination and ordinarily will not be questioned in the absence of evidence showing it to be clearly in error.
 2. Evidence of the weight of household effects shipped in a subsequent permanent change-of-station (PCS) move is not sufficient to show that the properly determined weight of household effects shipped in a previous PCS move was incorrect.

The issues presented in this case upon an appeal of a settlement of our Claims Division are 1) whether there has been a proper administrative determination that authorized weights have been exceeded in the shipment of household effects of a member of the uniformed services, 2) whether a proper charge has been made for the excess weight and 3) whether evidence of the weight of household effects shipped in a subsequent permanent change-of-station (PCS) move is relative or supportive in determining the weight shipped in a previous PCS move. In the absence of evidence showing the administrative determination as to weight and charges to be clearly in error the General Accounting Office will not question the administrative determination and evidence of the weight of shipment of household goods in other moves is of no probative value in establishing the weight of a previous or subsequent move.

Major General William C. Burrows, USAF (Retired) was charged \$4,004.29 for overweight shipment of household effects upon a PCS from Taiwan to McLean, Virginia,

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[Protest Involving Claim for Shipment of Household
EFFECTS]

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in June 1974. General Burrows contends that he should be relieved from the excess weight charges for the following reasons:

- a. He should have been given a larger packing allowance for high value items;
- b. Excessive packing was used by Chinese packers and he requested that the packing be weighed but the carrier did not comply;
- c. He was not informed about using the Military Airlift Command (MAC) cube rule to compute cost of this mode of transportation;
- d. No added allowance was given for high value packing;
- e. Calculations and data of a subsequent move from Virginia to Colorado prove that the overweight allegations for the Taiwan move were in error;
- f. He had assurances from the commercial transportation officer both before and after packing that he would not be overweight.

The administrative report from Headquarters Air Force Accounting and Finance Center reveals that General Burrows requested that the high value items be included in his regular household goods shipment since it was his belief that to ship the high value items as an integral part of the regular shipment without telltale markings would present less risk of loss. Since the mode of shipment determines the packing allowance, the Air Force reports that allowances for packing were based upon paragraph M8002-1, Volume 1, Joint Travel Regulations (1 JTR). Because of the inclusion of the high value shipment with the regular household goods, no special allowance was made for the high value shipment.

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Section 406 of title 37, United States Code, provides for the transportation of household effects of members of the uniformed services to and from such places and within such weight allowances as may be prescribed by the Secretaries concerned. Implementing regulations are contained in Chapter 8, 1 JTR.

The prescribed allowance for interior packing materials as authorized by paragraph M8002-1, 1 JTR (change 256, June 1, 1974), is 10 percent of the gross weight of such shipment. The record indicates that the 10 percent packing allowance was deducted from the total weight. Paragraph M8007-2, 1 JTR (change 256, supra), provides that weight which exceeds the amount prescribed by regulation will be transported at the member's expense.

The question of whether and to what extent authorized weights have been exceeded in the shipment of household effects, is a question of fact considered to be a matter primarily for administrative determination and ordinarily will not be questioned in the absence of evidence showing it to be clearly in error. B-190687, March 22, 1978; B-190099, March 14, 1978; B-190541, November 28, 1977; and B-189575, November 4, 1977.

In this case the record includes certified weight certificates for the shipments, upon which the Air Force has based its computations. While the shipment from Taiwan was not reweighed at destination, the weight of the shipment was established at origin as shown by the weighmaster's certificate. Evidence of the weight of household effects shipped in a subsequent PCS move is not sufficient to show that the weight of household effects shipped in a previous PCS move was incorrect. See B-189575, November 4, 1977, and decisions cited therein. Therefore, the evidence and calculations General Burrows submitted concerning movement of his household goods on a subsequent PCS move from Virginia to Colorado in 1976 cannot be accepted as proof of the weight of shipment from Taiwan to Virginia in 1974.

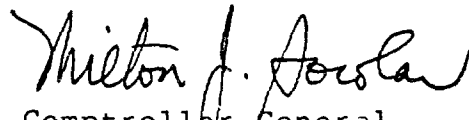
General Burrows indicates that because of the short notice of his move to the Pentagon and the requirement

that he report for duty within several days of his return to the United States, he requested shipment of his goods by MAC. The administrative report shows that MAC charges were computed on the basis of Air Force Regulation 76-11, paragraph 6c, April 18, 1974. Under that regulation charges are assessed based on either the actual weight of the shipment or a constructive weight determined by multiplying the cubic measurement of the shipment by 12.5 pounds, whichever is greater. It should be noted, however, that while the cubic measurement rule apparently results in greater total charges when MAC is used General Burrows' excess charges were based only on the actual excess weight of his shipments as a percentage of the total actual weight.

While it is unfortunate that General Burrows may not have been fully aware that the charges for excess weight using MAC would be greater than the excess charges would have been if his goods had been shipped by ocean vessel, that does not provide a basis for us to relieve him of the excess charges.

Further, while the press of official duties may have prevented General Burrows from fully overseeing the handling of his household effects shipment, we are unaware of any authority which would permit an adjustment being made in a charge for shipment of excess weight in such circumstances.

Accordingly, in view of all the facts presented in this case, the evidence submitted by the claimant does not show that the administrative determination made by the Air Force was erroneous. Therefore, there is no basis upon which to allow his claim, and the action of the Claims Division disallowing the claim is sustained.



For the Comptroller General
of the United States